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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,953	02/14/2004	Pedro Freitas	MACV.P0008	9187
<div>23349                      7590                      04/30/2008</div> <div>Stattler-Suh PC</div> <div>60 SOUTH MARKET</div> <div>SUITE 480</div> <div>SAN JOSE, CA 95113</div>				
EXAMINER				
VO, TED T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/779,953

**Applicant(s)**

FREITAS ET AL.

**Examiner**

TED T. VO

**Art Unit**

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,7 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7 and 21-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 01/16/2008.

Note: Effective filing date of this application is 02/14/2004 because the application is filed as continuation in part.

Canceled Claims: 2, 5-6, 8-20. Newly added Claims: 27-31.

Claims 1, 3-4, 7, 21-31 are pending in the application.

### ***Response to Arguments***

2. This is in response to the amendment and arguments filed in Remarks on 01/16/2008.

In the remarks, it appears the arguments direct to the limitations:

- “*target device and client device comprise separate devices*”, where Applicant’s argument reasoned that the set-top-box and the PVR mentioned in Haas is the same device.

Response to this argument: First, respectfully, Applicants fail to point out the meaning or to functionally explain the claim. Therefore, the argument fails under 1.111(b) and (c).

Furthermore, in the remarks, there is no address about the patentability the claim.

It should be noted that any device connected in a network such as TV, set-top box, a computer is also a client device. According to the meaning of “target”, any device receives a response from a host. Therefore, a set-top box of Haas is also a target device because it receives

metadata from a server (host). It is clearly in Haas (Figure 3), this set-top box has wire or wireless connection to a display device such as a screen seen in Figure 1. Therefore, the set-top box and its surrounding devices are considered as being equivalent to the specification's Figure 3. If applicants argued that Haas does not teach the claim feature then their claims fail to incorporate with their specification.

Furthermore, the specification does not show how it can build a device, how to cause functionality in a device, but merely uses generic claimed languages, "client devices" and "target device".

On the other hand, regarding the applicant comment on the Haas' statement, "*Philips and IBM builds on a scenario for home consumer viewing, which assumes a set-top box with personal video recorder (PVR) capability*": It is clearly Haas addressed to a technology advantage. It shows to the ordinary in the art that the separation of set-top box and a video recorder is already existed in the market. Indeed, every household has at least an Internet-connected Computer, TV set, a set-top box, a PVR. The adding of Dimitrova et al will be included to illustrate.

Therefore, the argument which is merely based on "separation" of a "target device" and "client device" and/or "comprise separated devices", does not point out the patentability required by 1.111( b)(c).

- Regarding the argument "wireless network" and other terms. It should be noted that if it requires nothing, wire/or wireless are functional the same in term of send a data from a host. The claim and specification merely add "wireless" without showing how they data wirelessly

transmitted, therefore any symbolization of a connection between two devices meets either wire or wireless. Therefore, the arguments do not address any patentable feature as required under 37 CFR 1.111(b) and (c).

*Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-4, 7, 21-22, 27-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to newly added limitation, “target device and client device comprise separate devices” (emphasis added) to claims 1, 3-4, 7, 21-22, 27-31:

The meaning of this phrase is vague. In light of the specification, it describes a client device 370 as a screen display like a TV or a computer and its monitor. The interpretation will be in this manner. There is nowhere in the specification it defines “target device” and “comprise separate devices”. Accordingly, the claims fail to point out the claimed subject matters. It is indefinite.

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On the other hand, a dependent claim recites (claim 7): “*where said target device comprise a personal video (“PVR”) server, a media server, or a television*”, then it is unclear what the difference between a client device and a target device is.

Accordingly, the claims fail to point out the claimed subject matters. It is indefinite.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-4, 7, 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al., “Personalized News Through Content Augmentation and Profiling”, Proceedings of ICIP 02, Rochester NY, Sept 2002, in view of Dimitrova et al, “Personalizing Video Recorders using Multimedia Processing and Integration”, ACM 2001.

As per Claim 1: Haas discloses,

*A method for implementing a user interface on client device (Figure 3: set-top box with a display device such as a TV or computer) remote from a host computer device (Figure 3: Broadcaster), said method comprising the steps of:*

*coupling said host computer device, said client device, and at least one target device through a wireless network;* (See Figure 2-3)

*operating an application program on a host computer device, said application program comprising said user interface to control at least one target device* (See Figure 3: p. 3 A content is sent to a set-top-box from a server: The content is displayable and interface-able by user/client); *transmitting, from said host computer device to a client device* (Figure 3), *an identification of at least one scene, said scene defines an abstract layout for at least one screen display of said user interface* (i.e. a website, where the layout is controlled by HTML content/metadata as in Figure 1) 'content plus metadata' – Also see p. 4 Sec. 5);

*generating at least one screen display for said scene based on an interpretation of said scene at said client device* (i.e. the web page of Figure 1 is viewable at the set-top box, by the mechanism of Figure 3); *displaying, on said client device, said screen display of said user interface;* *receiving input, at said client device, from a user to initiate at least one operation at said target device; and performing said operation at said target device in response to control from said client device* (See Figure 3, User input), *where said at least one target device and said client device comprise separate devices* (See p. 1, "PVR").

Haas in Figure 3 shows the set-top box (i.e. target device) connected with a display device (the arrow marked with “display”. These elements receive services from the server so each of them can be “client device”.

Haas does not show beyond the “display”.

However, Dimitrova discloses, in its Figure 3, p. 565, a set-top box (Personalizer) connected with a user Interface Controller coupled with a display, using a remote control. The connection set up is connected with various devices separately.

Therefore, it is obvious to the ordinary in the art to extend “display” as shown in Haas with other devices of Dimitrova. The combination of these devices obviously forms standard components of common broadcasting network that provides to all households as known, as for conforming to set up and demands of the households.

As per Claim 3: Either Haas or Dimitrova further discloses, *The method as set forth in claim 1, wherein said client device comprises a portable wireless electronic device that includes a graphical display* (personalization and arrow display (Haas: Figure 3 ) or (Dimitrova: Figure 3) The arrow is symbolized to wire or wireless since this is common in the art.

As per Claim 4: Either Haas or Dimitrova further discloses, *The method as set forth in claim 1, wherein said user interface comprises an electronic programming guide to control a television, a guide for a personal video recorder, or an interface to control a media playback device* (See Haas: p. 1, ‘EPG’, or see Dimitrova, Figure 3).



As per Claim 7: Either Haas or Dimitrova further discloses, *The method as set forth in claim 1, wherein said target device comprises said host computer device, **a personal video recorder (“PVR”) server, a media server, or a television*** (Haas: Figure 3, or Dimitrova: Figure 3).

As per Claim 21: Either Haas or Dimitrova further discloses, *The method as set forth in claim 1, wherein said target device comprises a device for playing or viewing media* (Haas: Figure 1, or Dimitrova: figure 3).

As per Claim 22: Either Haas or Dimitrova further discloses, *The method as set forth in claim 1, wherein said wireless network comprises a home network* (Haas: Figures 2-3, or Dimitrova: Figure 3).

As per Claims 23-26: See the rationales addressed in the rejection of Claims 1, 3-4, 7, 21-22.

As per Claims 27-31: See the rationales addressed in the rejection of Claims 1, 3-4, 7, 21-22.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV  
April 25, 2008

/Ted T. Vo/  
Primary Examiner, Art Unit 2191